

ShawPittman LLP

A Limited Liability Partnership Including Professional Corporations

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October 6, 2004

EX PARTE OR LATE FILED

ORIGINAL

Via Courier

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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OCT - 6 2004

Federal Communications Commission
Office of Secretary

**Re: EX PARTE SUBMISSION
WT Docket 03-66; Amendment of Parts 1, 21, 73, 74, and 101 of the
Commission's Rules to Facilitate the Provision of Fixed and Mobile
Broadband Access, Educational and Other Advanced Services in the
2150-2162 and 2500-2690 GHz Bands**

Dear Ms. Dortch:

On October 5, 2004, John Hearne, Nicholas Mastroilli and Henry Zachs, each of NY3G Partnership ("NY3G"), Darryl DeLawder of DeLawder Communications, Inc., an engineering consulting firm, Bradley Holmes, a consultant, and Bruce Jacobs of Shaw Pittman LLP, counsel for NY3G, met with Chairman Powell and Scott Delacourt regarding the above-referenced proceeding.

NY3G talked about its current efforts to provide wireless broadband service to the New York City area. The parties discussed the proposals in the Commission's *Further Notice of Proposed Rulemaking*, and NY3G's ongoing negotiations with Trans Video Communications, Inc., the grandfathered ITFS licensee in New York City. The parties also discussed the proposals that NY3G had previously raised in this proceeding, including the assignment of low-power channels to MMDS licensees and high-power channels to grandfathered ITFS licensees.

Attached is a copy of the diagram discussed at the meeting.

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Please direct any questions regarding this matter to the undersigned.

Very truly yours,



Tony Lin

Counsel for NY3G Partnership

Attachment

cc: *(without attachment)*
Chairman Powell
Scott Delacourt

